

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHARLES J. WINSLOW, STEVEN T. MITCHELL,
JAYNE KIRK, and CHARLES D. RAY

Junior Party
(Patent No. 6,083,225),

v.

GARY KARLIN MICHELSON

Senior Party
(Application No. 09/605,001).

Patent Interference No. 105,902 (SCM)
(Technology Center 3700)

DECLARATION – Bd. R. 203(b)¹

Part A. Declaration of Interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ “Bd. R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Sally C. Medley has been designated to manage
3 the interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **1:30 p.m.**
9 **on 2 October 2012** (the Board will initiate the call).

10 No later than **four business days** prior to the conference call, each party
11 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd.R. 120; Bd.R. 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as
14 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
15 schedule prior to the conference call and to agree on dates for taking action.

16 A typical motion period lasts approximately eight (8) months. Counsel should be
17 prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors: CHARLES J. WINSLOW, Walnut Creek, CA
STEVEN T. MITCHELL, Pleasant Hill, CA
JAYNE KIRK, Alameda, CA
CHARLES D. RAY, Williamsburg, CA

Involved Patent: Patent 6,083,225, issued 4 July 2000, based on
application 08/889,661, filed 8 July 1997

Title: Method and instrumentation for implant insertion

Assignee: Howmedica Osteonics Corp.

Senior Party

Named Inventors: GARY KARLIN MICHELSON, Venice, CA

Involved Application Application No. 09/605,001, filed 27 June 2000

Title: Apparatus and method of inserting spinal implants

Assignee: Warsaw Orthopedic, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1); SO ¶ 154.2.1. The senior
party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 14 of Winslow's 6,083,225 Patent

or

Claim 117 of Michelson's Application

1 The claims of the parties are:

2 Winslow: 1-26

3 Michelson: 105-129

4 The claims of the parties which correspond to Count 1 are:

5 Winslow: 1-3, 5-26

6 Michelson: 105-129

7 The claims of the parties which do not correspond to Count 1 are:

8 Winslow: 4

9 Michelson: none

10 The parties are accorded the following benefit for Count 1:

11 Winslow: application 08/615,379, filed 14 March 1996

12 Michelson: application 08/396,414, filed 27 February 1995, now
13 patent 6,080,155, issued 27 June 2000

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally C. Medley/
Administrative Patent Judge

1 Enc:

2 Copy of STANDING ORDER (March 2011)

3 Copy of claims of Application 09/605,001

4 Copy of Patent 6,083,225

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6 cc (via overnight mail):

7 Attorney for Winslow:

8

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